

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Kristian Pederson, Russell Mullen, Jennifer)	
Alves,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:10-CV-11804-GAO
)	
Chemed Corporation, Roto-Rooter Services)	
Company, Roto-Rooter Group, Inc.,)	
NUROTOCO OF MASSACHUSETTS, INC.)	
)	
Defendants.)	
)	

**DEFENDANTS' MOTION TO DISMISS OR ALTERNATIVELY COMPEL
ARBITRATION AND STAY THIS ACTION**

Defendants, Chemed Corporation ("Chemed"), Roto-Rooter Services Company ("RR Services"), Roto-Rooter Group, Inc. ("RR Group") and NUROTOCO OF MASSACHUSETTS ("Nurotoco"), hereby move this Court to dismiss Plaintiffs' Complaint or alternatively compel arbitration and stay this action. In support of this motion, Defendants rely upon their "Memorandum in Support of Defendants' Motion to Dismiss or Alternatively Compel Arbitration and Stay this Action."

WHEREFORE, Defendants respectfully request that this Court dismiss this action or alternatively compel arbitration and stay this action, as well as award Defendants their costs, attorneys' fees and other relief.

Respectfully submitted,

**CHEMED CORPORATION, ROTO-ROOTER
SERVICES COMPANY, ROTO-ROOTER
GROUP, INC. AND NUROTOCO OF
MASSACHUSETTS, INC.**

By their attorneys,

/s/ Scott T. Buckley

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Dated: November 15, 2010

CERTIFICATE OF SERVICE

I hereby certify that this Document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on November 15, 2010.

/s/ Scott T. Buckley